



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CAPTAIN DEAN CROMBIE AND  
CAPTAIN MARC PERREAULT

Complainant

v.

CITY OF SOMERSWORTH

Respondent

CASE NO. M-0667

DECISION NO. 92-177

#### ORDER DISMISSING COMPLAINT

The Board, meeting at its offices in Concord, New Hampshire, on November 5, 1992, took the following actions:

1. It reviewed on its own motion both the complaint of unfair labor practice (ULP) filed August 18, 1992 and the Answer filed September 1, 1992, inclusive of attachments thereto.
2. It noted that the ULP complained of violations of RSA 273-A:5 I (h), breach of collective bargaining agreement, and (i), making any law or regulations or adopting any rule relative to the terms and conditions of employment that would invalidate any portion of an agreement entered into by the public employer making or adopting such law, regulation or rule.
3. It took notice of its agency records and determined that neither Captain Dean Crombie nor Captain Marc Perreault, individually or collectively, was part of any bargaining unit certified by the PELRB or for which a bargaining agent had been certified by the PELRB.
4. It determined that the "Agreement between the City of Somersworth and the Somersworth Police Department

are signatories was not a collective bargaining agreement within the meaning of RSA 273-A:5 I (h).

5. It found that the City's Personnel Rules and Regulations "apply to all employees for whom wages, hours and conditions of employment are not provided in a collective bargaining agreement" and that the complainants, individually and collectively, are two such employees.
6. It determined that any enforcement of the "Existing Conditions" clause found at Article 2.1 of the Personnel Rules and Regulations as well as entitlement, if any, to a due process hearing such as was referenced in the opinion of the Somersworth City Solicitor to the City Manager on August 3, 1990, belongs in a forum other than the PELRB which lacks jurisdiction for these purposes.
7. It directed that the complaint should be administratively DISMISSED.

So Ordered.

Signed the 6th day of November, 1992.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.  
Members Arthur Blanchette and Francis LeFavour present and voting.